

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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DEBORAH KUENNEN, et al.,

Plaintiffs,

v.

POLARIS INDUSTRIES, INC.,

Defendant.

2:06-cv-01092-PMP-LRL

**O R D E R**

Before the court is defendant's Motion for Physical Examination (#38). The court has considered the motion, plaintiffs' Response (#40), and defendant's Reply (#41). The court finds that good cause exists for the physical examination. *See Shapiro v. Win-Sum Ski Corp.*, 95 F.R.D. 38 (W.D.N.Y. 1982). The court also finds that no unusual circumstances exist that would warrant the presence of counsel during Mr. Cox's vocational assessment examination. *See Marsch v. Rensselaer County*, 218 F.R.D. 367, 371 (N.D.N.Y. 2003). Accordingly,

IT IS ORDERED that defendant's Motion for Physical Examination (#38) is granted as follows:

1. Plaintiff Deborah Kuennen shall submit to a general physical/orthopedic examination by Dr. George Wharton, M.D. in Dr. Wharton's office at 1341 Mockingbird Lane, #710E, Dallas, Texas, on September 25, 2008 at 3:30 p.m. The examination shall include the taking of x-rays and any other test which is ordinarily deemed to be incident to a general physical/orthopedic examination.

2. Plaintiff Deborah Kuennen shall submit to a vocational assessment examination by Robert Cox at 2502 Pebble Stone, Garland, Texas, on a date and time to be determined. Neither counsel will be permitted to attend the examination.

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1           3. At the time of the examinations, plaintiff Deborah Kuennen shall answer all questions put to  
2 them by the examiners, including occupational history and prior medical history, that are relevant to the  
3 purposes of the respective examinations.

4           4. Defendant shall bear the costs of the examinations.

5           DATED this 10th day of September, 2008.

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8 **LAWRENCE R. LEAVITT**  
9 **UNITED STATES MAGISTRATE JUDGE**  
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